

REMARKS

Claims 45-48, 50-54 and 56 have been amended, and claims 31, 32 and 59 have been canceled. Thus, claims 45-56 are pending. Reconsideration of the present application is respectfully requested.

In the Final Office Action, claims 49 and 55 were allowed. Claims 31-32, 45-48, 50-54 and 56-57 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Pursuant to the present amendment, claims 45-48, 50-54 and 56 have been amended to present those claims in independent form with the objectionable language “no solid portion” omitted. Thus, Applicant respectfully requests that the § 112 rejection be withdrawn. It should be understood that in making the amendments set forth herein, Applicant does not acquiesce in the appropriateness of the Examiner’s rejections. Applicant specifically reserves the right to pursue claims of the scope set forth in the rejected claims in a later filed application should they desire to do so.

It is respectfully submitted that all pending claims are now in condition for allowance. The Examiner has conceded that Frigo does not disclose or suggest the use of an ionic liquid. Office Action dated June 8, 2006, p. 4. The Examiner’s resort to Freemantle to cure the deficiencies in Frigo is, respectfully, without merit. As noted by the Board of Appeals, “appellant also correctly argues that there is ‘not even a hint’ in Freemantle that an ionic liquid source should be used in vapor deposition.” Decision on Appeal, mailed August 12, 2005, p. 4. In view of the Board’s previous decision, it is not understood how the combination of Frigo and Freemantle can be asserted to render the presently pending claims unpatentable under 35 U.S.C. § 103. Applicant respectfully submits that to do so would necessarily involve an improper use of

hindsight using Applicant's disclosure as a roadmap. Moreover, even if the art were combined as suggested by the Examiner, that combination of prior art would not disclose all of the claim limitations. Accordingly, such a rejection is legally improper.

Applicant respectfully requests entry of the present amendment as it will place the application in better condition for allowance and/or appeal.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. The Examiner is invited to contact the undersigned attorney at (713) 934-4055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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